

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADA SANTOS,

Civil Action No. 19-cv-1991 (PKC)(SJB)

Plaintiff,

-against-

**ANSWER TO AMENDED
COMPLAINT**

THE CITY OF NEW YORK, P.O. PETER
MUELLER, P.O.s JOHN and JANE DOE #1-5,
VITUS GROUP, LLC, ARCO MANAGEMENT
CORP., MULTIFAMILY MANAGEMENT
SERVICES, LLC, LEON MCCOY,

Defendants.
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Defendants, **VITUS GROUP, LLC, ARCO MANAGEMENT CORP., AND LEON MCCOY**, by their attorneys, **MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN**, as and for their Answer to the plaintiff's Amended Complaint, respectfully sets forth and alleged upon information and belief as follows:

PRELIMINARY STATEMENT

FIRST. Deny knowledge or information sufficient to form a belief as to the truth of the allegations and specifically denies as to us contained in paragraph "1" of the Amended Complaint.

SECOND. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "2" of the Amended Complaint.

THIRD. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "3" of the Amended Complaint.

FOURTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “4” of the Amended Complaint.

FIFTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “5” of the Amended Complaint.

SIXTH. Denies each and every allegation contained in paragraph “6” of the Amended Complaint.

SEVENTH. Admits the allegation contained in paragraph “7” of the Amended Complaint.

EIGHTH. Admits the allegation contained in paragraph “8” of the Amended Complaint.

NINTH. Denies each and every allegation contained in paragraph “9” of the Amended Complaint, except admits that the New York City Police Department is a department within the County of New York.

TENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “10” of the Amended Complaint.

ELEVENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “11” of the Amended Complaint.

TWELFTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “12” of the Amended Complaint.

THIRTEENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “13” of the Amended Complaint.

FOURTEENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “14” of the Amended Complaint.

FIFTEENTH. Admits the allegation contained in paragraph “15” of the Amended Complaint.

SIXTEENTH. Admits the allegation contained in paragraph “16” of the Amended Complaint.

SEVENTEENTH. Denies each and every allegation contained in paragraph “17” of the Amended Complaint, except admits Vitus owned the subject premises.

EIGHTEENTH. Denies each and every allegation contained in paragraph “18” of the Amended Complaint, except admits Arco conduct business in New York State.

NINETEENTH. Denies each and every allegation contained in paragraph “19” of the Amended Complaint.

TWENTIETH. Admits the allegation contained in paragraph “20” of the Amended Complaint.

TWENTY-FIRST. Admits the allegation contained in paragraph “21” of the Amended Complaint.

TWENTY-SECOND. Admits the allegation contained in paragraph “22” of the Amended Complaint.

TWENTY-THIRD. Admits the allegation contained in paragraph “23” of the Amended Complaint.

TWENTY-FOURTH. Paragraph “24” of the Amended Complaint does not contain factual allegations and does not require a response.

INCIDENT FACTS

TWENTY-FIFTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “25” of the Amended Complaint.

TWENTY-SIXTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “26” of the Amended Complaint.

TWENTY-SEVENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “27” of the Amended Complaint.

TWENTY-EIGHTH. Denies each and every allegation contained in paragraph “28” of the Amended Complaint.

TWENTY-NINTH. Denies each and every allegation contained in paragraph “29” of the Amended Complaint.

THIRTIETH. Denies each and every allegation contained in paragraph “30” of the Amended Complaint.

THIRTY-FIRST. Denies each and every allegation contained in paragraph “31” of the Amended Complaint.

THIRTY-SECOND. Denies each and every allegation contained in paragraph “32” of the Amended Complaint.

THIRTY-THIRD. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “33” of the Amended Complaint.

THIRTY-FOURTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “34” of the Amended Complaint.

THIRTY-FIFTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “35” of the Amended Complaint.

THIRTY-SIXTH. Denies each and every allegation contained in paragraph “31” of the Amended Complaint.

THIRTY-SEVENTH. Denies each and every allegation contained in paragraph “37” of the Amended Complaint.

THIRTY-EIGHTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “38” through “42” of the Amended Complaint.

THIRTY-NINTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “43” of the Amended Complaint.

FORTIETH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “44” of the Amended Complaint.

FORTY-FIRST. Denies each and every allegation contained in paragraph “45” of the Amended Complaint.

FORTY-SECOND. Denies each and every allegation contained in paragraph “46” of the Amended Complaint.

FORTY-THIRD. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “47” of the Amended Complaint.

FORTY-FOURTH. Denies each and every allegation contained in paragraph “48” of the Amended Complaint.

FORTY-FIFTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “49” of the Amended Complaint.

FORTY-SIXTH. Denies each and every allegation contained in paragraph “50” of the Amended Complaint.

MONELL FACTS

FORTY-SEVENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “51” of the Amended Complaint.

FORTY-EIGHTH. Repeats, renews, and realleges all responses contained in paragraph “1” through “51” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “52” of the Amended Complaint.

FORTY-NINTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “53” of the Amended Complaint.

FIRST CLAIM FOR RELIEF
DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER 42 U.S.C. § 1983

FIFTIETH. Repeats, renews, and realleges all responses contained in paragraph “1” through “53” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “54” of the Amended Complaint.

FIFTY-FIRST. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “55” of the Amended Complaint.

FIFTY-SECOND. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “56” of the Amended Complaint.

FIFTY-THIRD. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “57” of the Amended Complaint.

FIFTY-FOURTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “58” of the Amended Complaint.

FIFTY-FIFTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “59” of the Amended Complaint.

SECOND CLAIM FOR RELIEF
FALSE ARREST UNDER 42 U.S.C. § 1983

FIFTY-SIXTH. Repeats, renews, and realleges all responses contained in paragraph “1” through “59” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “60” of the Amended Complaint.

FIFTY-SEVENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “61” of the Amended Complaint.

FIFTY-EIGHTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “62” of the Amended Complaint.

THIRD CLAIM FOR RELIEF
MALICIOUS PROSECUTION UNDER 42 U.S.C. § 1983

FIFTY-NINTH. Repeats, renews, and realleges all responses contained in paragraph “1” through “62” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “63” of the Amended Complaint.

SIXTIETH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “64” of the Amended Complaint.

SIXTY-FIRST. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “65” of the Amended Complaint.

SIXTY-SECOND. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “66” of the Amended Complaint.

SIXTY-THIRD. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “67” of the Amended Complaint.

SIXTY-FOURTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “68” of the Amended Complaint.

SIXTY-FIFTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “69” of the Amended Complaint.

SIXTY-SIXTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “70” of the Amended Complaint.

SIXTY-SEVENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “71” of the Amended Complaint.

SIXTY-EIGHTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “72” of the Amended Complaint.

SIXTY-NINTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “73” of the Amended Complaint.

SEVENTIETH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “74” of the Amended Complaint.

FOURTH CLAIM FOR RELIEF
MALICIOUS ABUSE OF PROCESS UNDER 42 U.S.C. § 1983

SEVENTY-FIRST. Repeats, renews, and realleges all responses contained in paragraph “1” through “74” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity

of every allegation and/or subpart contained in paragraph “75” of the Amended Complaint.

SEVENTY-SECOND. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “76” of the Amended Complaint.

SEVENTY-THIRD. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “77” of the Amended Complaint.

SEVENTY-FOURTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “78” of the Amended Complaint.

FIFTH CLAIM FOR RELIEF
DENIAL OF DUE PROCESS VIA FABRICATION OF EVIDENCE
UNDER 42 U.S.C. § 1983

SEVENTY-FIFTH. Repeats, renews, and realleges all responses contained in paragraph “1” through “78” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “79” of the Amended Complaint.

SEVENTY-SIXTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “80” through “83” of the Amended Complaint.

SIXTH CLAIM FOR RELIEF
FAILURE TO INTERVENE

SEVENTY-SEVENTH. Repeats, renews, and realleges all responses contained in paragraph “1” through “83” of the Amended Answer to the Amended Complaint as

well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “84” of the Amended Complaint.

SEVENTY-EIGHTH. Denies each and every allegation contained in paragraph “85” of the Amended Complaint.

SEVENTY-NINTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “86” of the Amended Complaint.

EIGHTIETH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “87” of the Amended Complaint.

**SEVENTH CLAIM FOR
MUNICIPAL LIABILITY**

EIGHTY-FIRST. Repeats, renews, and realleges all responses contained in paragraph “1” through “87” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “88” of the Amended Complaint.

EIGHTY-SECOND. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “89” of the Amended Complaint.

EIGHTY-THIRD. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “90” of the Amended Complaint.

EIGHTY-FOURTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “91” of the Amended Complaint.

EIGHTY-FIFTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “92” of the Amended Complaint.

EIGHTY-SIXTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “93” of the Amended Complaint.

EIGHTY-SEVENTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “94” of the Amended Complaint.

EIGHTY-EIGHTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “95” of the Amended Complaint.

EIGHTY-NINTH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “96” of the Amended Complaint.

NINETIETH. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “97” of the Amended Complaint.

NINETY-FIRST. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “98” of the Amended Complaint.

NINETY-SECOND. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “99” of the Amended Complaint.

NINETY-THIRD. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “100” of the Amended Complaint.

PENDANT STATE CLAIMS AGAINST
VITUS GROUP, LLC, ARCO MANAGEMENT CORP.,
MULTIFAMILY MANAGEMENT SERVICES, LLC, and LEON MCCOY

NINETY-FOURTH. Repeats, renews, and realleges all responses contained in paragraph “1” through “100” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity

of every allegation and/or subpart contained in paragraph “101” of the Amended Complaint.

NINETY-FIFTH. Denies each and every allegation contained in paragraph “102” of the Amended Complaint.

NINETY-SIXTH. Denies each and every allegation contained in paragraph “103” of the Amended Complaint.

NINETY-SEVENTH. Denies each and every allegation contained in paragraph “104” of the Amended Complaint.

NINETY-EIGHTH. Denies each and every allegation contained in paragraph “105” of the Amended Complaint.

NINETY-NINTH. Denies each and every allegation contained in paragraph “106” of the Amended Complaint.

ONE HUNDREDTH. Denies each and every allegation contained in paragraph “107” of the Amended Complaint.

ONE HUNDRED FIRST. Denies each and every allegation contained in paragraph “108” of the Amended Complaint.

ONE HUNDRED SECOND. Denies each and every allegation contained in paragraph “109” of the Amended Complaint.

ONE HUNDRED THIRD. Denies each and every allegation contained in paragraph “110” of the Amended Complaint.

ONE HUNDRED FOURTH. Denies each and every allegation contained in paragraph “111” of the Amended Complaint.

ONE HUNDRED FIFTH. Denies each and every allegation contained in paragraph “112” of the Amended Complaint.

ONE HUNDRED SIXTH. Denies each and every allegation contained in paragraph “113” of the Amended Complaint.

ONE HUNDRED SEVENTH. Denies each and every allegation contained in paragraph “114” of the Amended Complaint.

ONE HUNDRED EIGHTH. Denies each and every allegation contained in paragraph “115” of the Amended Complaint as to perjurious or fraudulent conduct of these defendants.

SECOND CLAIM FOR RELIEF UNDER N.Y. STATE LAW
NEGLIGENT HIRING AND RETENTION

ONE HUNDRED NINTH. Repeats, renews, and realleges all responses contained in paragraph “1” through “115” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “116” of the Amended Complaint.

ONE HUNDRED TENTH. Denies each and every allegation contained in paragraph “117” of the Amended Complaint.

ONE HUNDRED ELEVENTH. Denies each and every allegation contained in paragraph “118” of the Amended Complaint.

ONE HUNDRED TWELFTH. Denies each and every allegation contained in paragraph “119” of the Amended Complaint.

THIRD CLAIM FOR RELIEF UNDER N.Y. STATE LAW
NEGLIGENT TRAINING AND SUPERVISION

ONE HUNDRED THIRTEENTH. Repeats, renews, and realleges all responses contained in paragraph “1” through “119” of the Amended Answer to the Amended Complaint as well as denying information or knowledge sufficient to form a belief as to the truth or falsity of every allegation and/or subpart contained in paragraph “120” of the Amended Complaint.

ONE HUNDRED FOURTEENTH. Denies each and every allegation contained in paragraph “121” of the Amended Complaint.

ONE HUNDRED FIFTEENTH. Denies each and every allegation contained in paragraph “122” of the Amended Complaint.

ONE HUNDRED SIXTEENTH. Denies each and every allegation contained in paragraph “123” of the Amended Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

ONE HUNDRED SEVENTEENTH. The Complaint fails to state a claim upon which relief can be granted, including a claim for punitive damages which is not recoverable against defendants Vitus Group, LLC, Arco Management Corp., and Leon McCoy.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

ONE HUNDRED EIGHTEENTH. At all times relevant to the acts alleged in the Complaint, the conduct of defendants Vitus Group, LLC, Arco Management Corp., and Leon McCoy were reasonable, proper, lawful, constitutional, in good faith and without malice.

AS A THIRD AFFIRMATIVE DEFENSE

ONE HUNDRED NINETEENTH. Defendants Vitus Group, LLC, Arco Management Corp., and Leon McCoy assert the limitations of Article 16 of the CPLR as to all state based claims

asserted in this Complaint which are determined by this Court to be subject to limitations of said statute.

AS A FOURTH AFFIRMATIVE DEFENSE

ONE HUNDRED TWENTIETH. Some or all these claims are barred by the statute of limitations.

ONE HUNDRED TWENTY-FIRST. Any injuries or damages claimed were caused, in whole or in part, by the negligence, and intentional acts or other culpable conduct of third parties over whom these answering defendants have no control.

**AS AND FOR A CROSS-CLAIM AGAINST THE CITY OF NEW YORK, P.O.
PETER MUELLER, SGT. CARLOS GONZALEZ, P.O. JOHN TESTACCIO, P.O.
JAMES HARKINS, MULTIFAMILY MANAGEMENT SERVICES, LLC**

ONE HUNDRED TWENTY-SECOND. That if the plaintiff were caused to sustain damages at the time and place set forth in the Complaint in the matter alleged therein through any carelessness, recklessness, acts, omissions, negligence and/or breaches of duty and/or warranty and/or contract other than plaintiff, then said damages arose out of the canvases, recklessness, acts, omissions, negligence and breaches of duty and/or obligation and/or statute in fact to imply the law upon the part of the municipal defendants The City of New York, P.O. Peter Mueller, Sgt. Carlos Gonzalez, P.O. John Testaccio, P.O. James Harkins, Multifamily Management Services, Inc., and its employees and defendants Vitus Group, LLC, Arco Management Corp., and Leon McCoy are entitled to common-law indemnification and/or contribution under Dole v. Daw.

WHEREFORE VITUS GROUP, LLC, ARCO MANAGEMENT CORP., and LEON MCCOY demand judgement dismissing the Complaint of the plaintiff herein as to these answering

defendants, judgment in their favor on the cross-claim, together with the costs, fees, and disbursement of this action.

Dated: New York, New York
January 20, 2020

MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN

BY:



Charles E. O'Bryan
Attorney for Defendants
VITUS GROUP, LLC, ARCO
MANAGEMENT CORP., and LEON
MCCOY
Wall Street Plaza
88 Pine Street, 21st Floor
New York, New York 10005
Tel: (212) 376-6400
File No.: 41041.00134

TO: Rose Weber, Esq.
Attorney for Plaintiff
ADA SANTOS
30 Vasey Street, Suite 1801
New York, New York 10007

Katherine J. Weall, Esq.
Senior Counsel
Special Federal Litigation Division
Attorney for Defendant
THE CITY OF NEW YORK
100 Church Street
New York, New York 10007

Mark Lefkowitz, Esq.
Attorney for Defendant
MULTIFAMILY MANAGEMENT SERVICES, LLC
254 South Main Street, Suite 406
New York, New York 10956

STATE OF NEW YORK)
 : s.s
COUNTY OF NEW YORK)

Civil Action No.: 17-CV-1991 (PKC)(SJB)

AFFIDAVIT OF SERVICE BY HAND

Jacqueline Smithson, being duly sworn, deposes and says:

I am not a party to the within action, am over 18 years of age, am employed by Marshall, Dennehey, Warner, Coleman & Goggin, Wall Street Plaza, 88 Pine Street, 21st Floor, New York, New York 10005 and reside in Queens County, New York.

On January 22, 2020, I served a true copy of the within **ANSWER TO AMENDED COMPLAINT**, in the following manner:

By mail and mailing same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal service by first class mail, addressed to the last known address of the addressee(s) indicated below:


Rose M. Weber, Esq.
Attorney for Plaintiff
ADA SANTOS
30 Vesey Street, Suite 1801
New York, New York 10007

Mark Lefkowitz, Esq.
Attorneys for Defendant
MULTIFAMILY MANAGEMENT SERVICES, LLC
254 South Main Street, Suite 406
New York, New York 10956

Katherine J. Weall, Esq.
Senior Counsel
Special Federal Litigation Division
Attorney for Defendant
THE CITY OF NEW YORK
100 Church Street
New York, New York 10007


Jacqueline Smithson

Sworn to before me this
22 day of January, 2020


Notary Public

DEBORAH MCINTOSH-LECONTE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MC5060400
Qualified in Kings County
My Commission Expires 5-20-2022

Civil Action No.: 17-CV-1991(PKC)(SJB)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADA SANTOS,

Plaintiff,

-against-

THE CITY OF NEW YORK, P.O. PETER
MUELLER, P.O.s JOHN and JANE DOE #1-5,
VITUS GROUP, LLC, ARCO MANAGEMENT
CORP., MULTIFAMILY MANAGEMENT
SERVICES, LLC, LEON MCCOY,

Defendants.

-----X

ANSWER TO AMENDED COMPLAINT

MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN

WALL STREET PLAZA

88 PINE STREET

NEW YORK, NEW YORK 10005

TELEPHONE (212) 376-6400

Attorneys for Third-Party Defendant

**VITUS GROUP, LLC, ARCO MANAGEMENT CORP.,
and LEON MCCOY**